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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant : David Allison Bennett, et al.
Application No. : 09/680,654
Filed : October 6, 2000
Title : Apparatus, Systems and Methods for Online, Multi-Carrier
Multi-Service Parcel Shipping Management Featuring
Shipping Rate and Delivery Schedule Comparison for
Multiple Carriers
Technology Center : 3600
Grp./Div. : 3629
Examiner : Jamisue A. Webb
Docket No. : PSTM0015/MRK

APPELLANT'S REPLY BRIEF TRANSMITTAL LETTER

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

140 S. Lake Ave., Suite 312
Pasadena, CA 91101-4710
January 24, 2007

Commissioner:

Enclosed are the following:

1. Appellant's Reply Brief (26 pages); and
2. Return post card.

It is respectfully submitted that the enclosed Appellant's Reply Brief is timely filed because it is filed in accordance with 37 C.F.R. §41.41(a)(1) prior to the expiration of January 30, 2007, which is the last day of the two month period following the November 30, 2006 date of the Examiner's Answer.

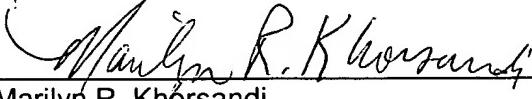
Even so, the Commissioner is hereby authorized, pursuant to 37 CFR 1.136(a)(3), to treat any concurrent or future reply or correspondence for the above-identified application, requiring a petition for an extension of time for its timely submission, as incorporating a constructive petition for extension of time for the appropriate length of time. The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17, including any required extension fees, which may be required during the **pendency** of this application, to Deposit Account No. 501574.

Appellant's Reply Brief Transmittal
Application Serial No. 09/680,654

Please show our docket number with any charge or credit to our Deposit Account. **A copy of this letter is enclosed.**

Respectfully submitted,
KHORSANDI PATENT LAW GROUP, ALC

By


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PATENT

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Application No. : 09/680,654
Filed : October 6, 2000
Title : APPARATUS, SYSTEMS AND METHODS FOR ONLINE,
MULTI-CARRIER, MULTI-SERVICE PARCEL SHIPPING
MANAGEMENT FEATURING SHIPPING RATE AND
DELIVERY SCHEDULE COMPARISON FOR MULTIPLE
CARRIERS
Technology Center : 3600
Grp./Div. : 3629
Examiner : Webb, Jamisue A.
Docket No. : PSTM0015/MRK

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140 S. Lake Ave., Suite 312
Pasadena, CA 91101-4710
January 24, 2007

APPELLANT'S REPLY BRIEF

This is a Reply to the Examiner's Answer, dated November 30, 2006, regarding the pending Appeal of the rejection of Claims 1-21, 26-52, and 57-70 in the case of the above-identified application.

An Oral Hearing is not requested.

It is respectfully submitted that this Reply Brief is timely filed because it is filed in accordance with 37 C.F.R. §41.41(a)(1) prior to the expiration of January 30, 2007, which is the last day of the two month period following the November 30, 2006 date of the Examiner's Answer.

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REPLY ARGUMENT

For the reasons given and the references cited below and in the Appeal Brief, it is respectfully submitted that Claims 1-21, 26-52, and 57-70 are non-obvious over Kara, UPS, FedEx, and Barnett, whether considered alone or in combination with any other reference(s) of record. Accordingly, it is respectfully requested that the rejection of Claims 1-21, 26-52, and 57-70 (the "Claims on Appeal") under 35 U.S.C. §103(a) be reversed.

Issue 1 Reply Argument Regarding the Rejection of Claims

1-21, 26-52, and 57-70: Barnett Was Not Properly Combined With the Other References Because There is No Teaching or Suggestion To Combine Barnett With the Other References Because Barnett Fails to Show a Display by Barnett of Any Rates in Association with Events Calendared by Barnett

The Appeal Brief respectfully asserted, for reasons given and authorities cited therein, that there is no teaching or suggestion, as required under MPEP §706.02(j), to combine Barnett with the other cited references.

In response to Appellant's assertion that there is no teaching or suggestion to combine Barnett with the other cited references, the Examiner's Answer responds that "[t]he rejection as stated in the final office action, does not state that Barnett is used to show the simultaneous display of rates." Examiner's Answer, p. 6, Response to Appellant's Argument Regarding Issue 1.

Contrary to that response statement, it is respectfully submitted that the Final Office Action, dated January 27, 2006, expressly stated that "...Kara fails to disclose the simultaneous display of shipping rates, a simultaneous display of rates and is taught by Barnett... The applicant has argued that Kara discloses calculating only one rate per carrier. As stated earlier, Kara is not relied on to teach the simultaneous display of shipping rates; the Barnett reference is used to teach that." Final Office Action, Topic No. 12, pgs. 5- 6.

In view of the previous statement in the Final Office Action that "... Kara fails to disclose the simultaneous display of shipping rates ..." (Final Office Action, Topic No. 12, p. 5), and in further view of the Examiner's Answer now acknowledging that Barnett

does not show the simultaneous display of rates (*Examiner's Answer*, p. 6, Response to Appellant's Argument Regarding Issue 1), it is respectfully asserted that no combination of the references of record disclose, anticipate, teach or suggest a display of a simultaneous cross-comparison of shipping rates for each respective service of a plurality of services offered by each respective carrier of a plurality of carriers to ship a respective particular parcel, as claimed in one way or another in the Claims on Appeal.

Accordingly, for the reasons given above, and for the reasons given and the authorities cited in the Appeal Brief, it is respectfully requested that the rejections of Claims 1-21, 26-52, and 57-70 under 35 U.S.C. §103(a), the rejections of all of which rely on *Barnett* for the teaching of "a simultaneous display of rates" (see *Final Office Action*, Topic No. 12, pgs. 5-6), be reversed.

Issue 1a Reply Argument Regarding the Rejection of Claims 1-21, 26-52, and 57-70: Barnett Was Not Properly Combined With the Other References Because, Even If Barnett Did Show Rates, the Rates Would be for the Different Calendared Events as Compared to a Cross-Comparison of Rates for the Single Event of Delivery of a Parcel

The Appeal Brief respectfully asserted that even assuming that *Barnett* could somehow be interpreted as suggesting or teaching a display of rates, *Barnett* was nevertheless not properly combined with the other references because even if a *Barnett* calendar were to depict rates, the rates would be for the various events calendared, not as a cross-comparison of rates for a single event.

In response to the above-outlined Appeal Brief assertion, the Examiner's Answer posits that "Kara discloses displaying multiple rates for multiple carriers and calculates multiple rates for multiple services. Barnett discloses displaying multiple options on a calendar with time on one axis and date on the other for ease of viewing, therefore it is the examiner's position that one of ordinary skill in the art would be motivated to combine the references and obtain the claimed invention." *Examiner's Answer*, p. 7, Response to Appellant's Argument Regarding Issue 1a.

It is respectfully asserted, for the reasons given below, that the position taken in the Examiner's Answer regarding the combination of Barnett with the other references of record does not comply with the requirements of MPEP §§706.02(j) and 2143 to provide some teaching or suggestion to combine Barnett with the other cited references with respect to the subject matter of various Claims of the present application regarding a *single event*, i.e., to ship, to deliver, or delivery of, a parcel.

Under the Examiner's Answer Response Argument regarding Issue 2c (at p. 9), the Examiner's Answer posits that "... it is the examiner's position that Barnett is used for one person (which can be considered one parcel) and multiple events (which can be considered multiple services for multiple carriers, where each event is equated to one service of one carrier)." Examiner's Answer, p. 9, Response to Appellant's Argument Regarding Issue 2c.

According to the above-cited position, the Examiner's Answer posits that the viewer of a Barnett calendar should be equated to a single parcel, and that the multiple events displayed in a Barnett calendar would be equivalent to multiple services by multiple carriers. However, for the following reasons, even still assuming that Barnett could somehow be interpreted as teaching or suggesting a display of rates (which, it is respectfully submitted, it does not), it is respectfully asserted that the relationships posited by the Examiner's Answer are not equivalents at all.

In order to consider the above-cited position argued by the Examiner's Answer, it is respectfully asserted that considering a hypothetical example of a display of rates in a Barnett calendar may be instructive. For example, according to the Examiner's Answer, a Barnett calendar, such as FIG. 7B of Barnett, might be modified to include some sort of a display of rates such that each displayed rate would be displayed in association with the relevant event 706. That is, hypothetically, for example, a display of a rate for entry to the movie "Gods and Monsters" could hypothetically be shown next to the movie title "Gods and Monsters" in the November 4, 1998 calendar block; a display of a rate for entry to the movie "Belly" could hypothetically be shown next to the movie title "Belly" in the November 4, 1998 block; a display of a rate for entry to the movie "Meet Joe Black" could hypothetically be shown next to the movie title "Meet Joe Black" in the November 17, 1998 block; and so on and so forth.

It is respectfully asserted that the above-outlined hypothetical display of rates on a Barnett calendar would not be meaningful for the following reasons. First, each theatre that shows a particular movie may charge a movie entry rate that would not necessarily be the same as a movie entry rate charged by another theatre. Further, each theatre that shows a particular movie may charge a time-dependent movie entry rate for entry to a movie shown in that theatre. For example, a theatre may charge a discounted "matinee" rate for entry to a particular movie shown during early afternoon hours; the theatre's evening movie entry rate for entry to an evening showing of the same movie may differ from the "matinee" showing(s) of the same movie. Therefore, it is respectfully submitted that the above-outlined hypothetical display of a single rate in association with each movie title would not be meaningful and would render the so-modified Barnett calendar unsatisfactory. Accordingly, it is respectfully submitted that there is no suggestion, teaching or motivation to make the proposed modification. Cf., e.g., M.P.E.P. §2143.01 (V) (citing *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984); regarding the Gordon court's reversing an obviousness rejection where proposed modification to prior art device would render the prior art device inoperable).

Furthermore, it is respectfully asserted that even if a single rate were displayed as hypothetically outlined above in association with each movie title, such a single rate would not provide a Barnett-calendar-viewing user with a cross-comparison of rates for the single event of the relevant movie. Rather, in order to obtain a cross-comparison of rates for a single event of a particular movie, it is respectfully asserted that the basic principle, design and structure of the Barnett-calendaring-system would need to be modified. For example, in order to provide a cross-comparison of rates for a single event of a particular movie, the basic principle, design and structure of the Barnett-calendaring system would need to be modified to display information from various theatres regarding their respective admission prices for a particular movie for various times that the particular movie would be show by the various respective theatres. Because the Barnett-calendaring system does not disclose such a comparison of information for a single event or any motivation to provide such a comparison, it is accordingly respectfully asserted that there is no suggestion, teaching or motivation to make the proposed modification. See, e.g., M.P.E.P. §2143.01 (VI) (citing *In re Ratti*,

270 F.2d 810, 813, 123 U.S.P.Q. 349, 352 (C.C.P.A. 1959); regarding the *Ratti* court's reversing a rejection of claims, "holding the 'suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change to the basic principle under which the [primary reference] construction was designed to operate.'").

For the above-given reasons and authorities, and for the reasons given and the authorities cited in the Appeal Brief, it is respectfully asserted that there is no teaching, motivation or suggestion as required by MPEP §§706.02(j) and 2143 to combine *Barnett* with the other cited references with respect to the subject matter of various Claims of the present application regarding a *single event*, i.e., to ship, to deliver, or delivery of, a parcel. Accordingly, it is respectfully requested that the rejections of Claims 1-21, 26-52, and 57-70 under 35 U.S.C. §103(a), the rejections of all of which rely on *Barnett*, be reversed.

Issue 2 Reply Argument Regarding the Rejection of Claims 1-21, 26-52 and 57-70 Under Section 103(a) as Being Unpatentable Over Kara in View UPS, FedEx and Barnett: Claims 1-21, 26-52, and 57-70 Were Not Properly Rejected Under Section 103(a), Because, Contrary to the Requirements of MPEP §2143, None of the References, Even When Considered in Combination, Disclose, Anticipate, Teach or Suggest, Each Limitation of Each Claim, Such as, For Example, Displaying a Simultaneous Display of Rates In a Graphic Cross-Comparison that Provides an Indication of Date and Time

Even assuming for the sake of argument that *Barnett* was properly combined with the other cited references, the Appeal Brief respectfully asserted that the none of *Kara*, *UPS*, *FedEx*, and *Barnett*, even when considered in combination, disclose, anticipate, teach or suggest each limitation of each of the Claims of the present application as required for an obviousness rejection under 35 U.S.C. Section 103(a) and MPEP §§706.02(j). See also, e.g., MPEP §2143.

In response to the above-outlined assertion, the Examiner's Answer takes the position that "Kara discloses calculating rates for each service of each carrier ... the

FedEx reference as well as the UPS reference was used to show the fact that for each service of the carrier, a time is associated with the service." Examiner's Answer, p. 7, Response to Appellant's Argument Regarding Issue 2.

As compared to an indication of a delivery time, as explained in more detail in the Appeal Brief, both the FedEx and UPS references indicate different typical destination-dependent delivery times that depend on the shipping particulars for shipping a particular parcel. For example, FedEx explains that "FedEx Priority Overnight®" is for providing "...delivery by 10:30 a.m. the next business day to thousands of U.S. cities in our primary service are (noon to most of the rest)". FedEx, p. 1. Describing similar dependencies, the UPS reference describes the UPS Next Day Air Early A.M.® delivery service, explaining that even though UPS states "Guaranteed Overnight by 8 A.M.", UPS clarifies that "[y]ou get guaranteed delivery by 8:00 a.m. to major U.S. cities and by 8:30 a.m. to *most* other U.S. cities (9:00 a.m. or 9:30 a.m. on Saturday)...". (emphasis added).

Further, as compared to an indication of a delivery date, as outlined below, and as explained in more detail in the Appeal Brief, the FedEx, UPS, and Kara references indicate a typical day for delivery relative to a shipping day for various services (e.g., Next Day, 2-Day, and the like).

For the above-given reasons, for the reasons given and the authorities cited below, and for the reasons given and the authorities cited in the Appeal Brief, it is respectfully asserted that none of the cited references, or the references of record, disclose, anticipate, teach or suggest all of the limitations of the Claims on Appeal.

Issue 2a Reply Argument: Independent Claims 1, 32, and 63, and the Claims Dependent on Them, Namely Dependent Claims 2-12, and 33-43 Were Not Properly Rejected Under Section 103(a), Because, Contrary to the Requirements of MPEP §2143, None of the Cited References Disclose, Anticipate, Teach or Suggest Each Limitation of Each Claim, Because None of the References, Even When Considered in Combination, Disclose a Simultaneous Display of Shipping Rates In a Graphic Cross-Comparison that Provides an Indication of Delivery Date and Time

Even assuming for the sake of argument that Barnett was properly combined with the other cited references, the Appeal Brief respectfully asserted that the none of Kara, UPS, FedEx, and Barnett, even when considered in combination, disclose, anticipate, teach or suggest each limitation of each of the Claims of the present application as required for an obviousness rejection under 35 U.S.C. Section 103(a) and MPEP §§706.02(j). See also, e.g., MPEP §2143. More specifically, the Appeal Brief respectfully asserted that the cited references, even when combined, did not disclose a simultaneous display of rates in a graphic cross-comparison that provides an indication of both date and time.

The Examiner's Answer responds that "... as shown with the FedEx and the UPS reference each service is associated with a time and date...." Examiner's Answer, p. 8, Response to Appellant's Argument Regarding Issue 2. The Examiner's Answer further responds that "... Kara may only display rates for one service for multiple carriers, however the system of Kara is fully capable of calculating and displaying rates for multiple services for multiple carriers, however the display is only done one service at a time. The simultaneous display is done by Barnett." Examiner's Answer, p. 8, Response to Appellant's Argument Regarding Issue 2a. According to the Examiner's Answer "... the FedEx and the UPS references disclose that for each service there is an associated time and day for the service." Examiner's Answer, p. 9, Response to Appellant's Argument Regarding Issue 2c.

However, as explained in some detail in the Appeal Brief, it is respectfully submitted that none of the FedEx, UPS or Kara references disclose displaying "... a

respective ... date before which a particular respective carrier would deliver [a] respective particular parcel to a respective particular delivery destination via a particular respective delivery service ..." as recited by Claims 1, 32, and 63. Rather, as explained in some detail in the Appeal Brief, it is respectfully submitted that the FedEx, UPS and Kara references only disclose a typical day for delivery relative to a shipping day for various services (e.g., Next Day, 2-Day, and the like).

Further, although Barnett, a calendaring system, discloses dates and times of calendared events, for the reasons explained in more detail in the Appeal Brief, it is respectfully submitted that there is no disclosure in Barnett of displaying a "... service-specific, carrier-specific shipping rate ... adjacent a display indicating a respective time and date before which a particular respective carrier would deliver the respective particular parcel..." as claimed in one way or another by Claims 1, 32 and 63.

Accordingly, it is respectfully asserted that, although the FedEx, UPS and Kara references disclose a typical day relative to a shipping day for various services (e.g., Next Day, 2-Day, and the like), and although Barnett discloses a calendaring system that displays calendared events, none of the references of record disclose displaying a cross-comparison of service-specific, carrier-specific shipping rates with an indication of both delivery date and time, as would be done by various embodiments of independent Claims 1, 32, and 63.

It is respectfully asserted that various embodiments of independent Claims 1, 32, and 63 would provide a shipper/user with greater certainty and clarity of delivery schedules, and a comparison of rates with delivery schedules, as distinguished from a typical relative day as disclosed by FedEx, UPS and Kara. Moreover, it is respectfully asserted that the greater certainty and clarity that would be provided by various embodiments of independent Claims 1, 32, and 63 on the one hand, are evidence that the claimed limitations are non-obvious over a typical relative day as disclosed by FedEx, UPS and Kara.

Yet further, for the reasons given below, and for the reasons given in more detail in the Appeal Brief, it is respectfully asserted that none of the references of record disclose, anticipate, teach or suggest a display of a simultaneous cross-comparison of shipping rates with an indication of date and time for delivery as claimed in one way or

another in independent Claims 1, 32, and 63. As previously outlined above, the Final Office Action stated that "... Kara fails to disclose the simultaneous display of shipping rates ..." (*Final Office Action*, Topic No. 12, p. 5). The Examiner's Answer also acknowledges that "... Kara may only display rates for only one service for multiple carriers, ... the display is only done one service at a time." *Examiner's Answer*, p. 8, Response to Appellant's Argument Regarding Issue 2a. Further, the Examiner's Answer now acknowledges that *Barnett* does not show the simultaneous display of rates. *Examiner's Answer*, p. 6, Response to Appellant's Argument Regarding Issue 1. Therefore, in view of the statement in the Final Office Action previously outlined above that "... Kara fails to disclose the simultaneous display of shipping rates ..." (*Final Office Action*, Topic No. 12, p. 5) and in further view of the Examiner's Answer now acknowledging that *Barnett* does not show the simultaneous display of rates (*Examiner's Answer*, p. 6, Response to Appellant's Argument Regarding Issue 1), it is respectfully asserted that no combination of the references of record discloses, anticipates, teaches or suggests a display of a simultaneous cross-comparison of shipping rates with an indication of date and time for delivery for each respective service of a plurality of services offered by each respective carrier of a plurality of carriers to ship a respective particular parcel, as claimed in one way or another by independent Claims 1, 32, and 63.

Accordingly, for the reasons given above and for the reasons given and the authorities cited in the Appeal Brief, reversal is respectfully requested of the rejections of independent Claims 1, 32, and 63, and the Claims that are dependent on them, namely, dependent Claims 2-12 and 33-43, under 35 U.S.C. §103(a) in view of *Kara*, *UPS*, *FedEx* and *Barnett*.

Issue 2b Reply Argument: Independent Claims 13, 44, and 64, and the Claims Dependent on Them, Namely, Dependent Claims 14-21, and 45-52 Were Not Properly Rejected Under Section 103(a), Because, Contrary to the Requirements of MPEP §2143, None of the Cited References Disclose, Anticipate, Teach or Suggest Each Limitation of Each Claim, Because None of the References, Even When Considered in Combination, Disclose Simultaneous Displaying a Cross-Comparison of Shipping Rates

As compared to the requirements for an obviousness rejection under 35 U.S.C. Section 103(a), as those requirements are explained in MPEP §§706.02(j) and MPEP §2143, the Appeal Brief respectfully submitted that none of Kara, UPS, FedEx and Barnett, even when considered in combination, disclose, anticipate, teach or suggest “simultaneously display[ing] … a … cross-comparison of a first plurality of service-specific, carrier-specific shipping rates for shipping a first particular parcel, wherein each service-specific, carrier-specific shipping rate of the first plurality of service-specific, carrier-specific shipping rates corresponds to a delivery of the first particular parcel by a first respective particular delivery time on a first respective particular delivery date by a respective service of a plurality of services offered by a respective carrier of a plurality of carriers, wherein a respective service-specific, carrier-specific shipping rate is calculated and displayed for each respective service of a plurality of services offered by each respective carrier of a plurality of carriers that would support shipping the first particular parcel …” as claimed by independent Claims 13, 44, and 64.

For reasons similar to those given above for Claims 1, 32, and 63, and for the reasons given in more detail in the Appeal Brief, it is respectfully asserted that none of the references of record disclose, anticipate, teach or suggest simultaneous displaying a cross-comparison of shipping rates as claimed in one way or another by independent Claims 13, 44, and 64. As previously outlined above, the Final Office Action stated that “... Kara fails to disclose the simultaneous display of shipping rates ...” (Final Office Action, Topic No. 12, p. 5). The Examiner’s Answer also acknowledges that “... Kara may only display rates for only one service for multiple carriers, ... the display is only done one service at a time.” Examiner’s Answer, p. 8, Response to Appellant’s

Argument Regarding Issue 2a. Further, the Examiner's Answer now acknowledges that Barnett does not show the simultaneous display of rates. Examiner's Answer, p. 6, Response to Appellant's Argument Regarding Issue 1. Therefore, in view of the statement in the Final Office Action previously outlined above that "... Kara fails to disclose the simultaneous display of shipping rates ..." (Final Office Action, Topic No. 12, p. 5) and in further view of the Examiner's Answer now acknowledging that Barnett does not show the simultaneous display of rates (Examiner's Answer, p. 6, Response to Appellant's Argument Regarding Issue 1), it is respectfully asserted that no combination of the references of record discloses, anticipates, teaches or suggests simultaneous displaying a cross-comparison of shipping rates as claimed in one way or another by independent Claims 13, 44, and 64.

Accordingly, for the reasons given above and for the reasons given and the authorities cited in the Appeal Brief, reversal is respectfully requested of the rejections of independent Claims 13, 44, and 64, and the Claims that are dependent on them, namely, dependent Claims 14-21, and 45-52, under 35 U.S.C. §103(a) in view of Kara, UPS, FedEx and Barnett.

Issue 2c Reply Argument: Independent Claims 26, 57, and 65 Were Not Properly Rejected Under Section 103(a), Because, Contrary to the Requirements of MPEP §2143, None of the Cited References Disclose, Anticipate, Teach or Suggest Each Limitation of Each Claim, Because None of the References, Even When Considered in Combination, Disclose Prompting a User With an Interactive Prompt Comprising a Plurality of Cells, at Least One of Which Displays a Calculated Shipping Rate at an Intersection of Indications of a Corresponding Parcel Delivery Date and a Corresponding Parcel Delivery Time

As compared to the requirements for an obviousness rejection under 35 U.S.C. Section 103(a), as those requirements are explained in MPEP §§706.02(j) and MPEP §2143, the Appeal Brief respectfully submitted that none of Kara, UPS, FedEx and Barnett, even when considered in combination, disclose, anticipate, teach or suggest

"... prompt[ing] a user, in response to a request by the user for a shipping rate and delivery time comparison for shipping a particular parcel, with an interactive prompt, said interactive prompt comprising a display of a plurality of cells, wherein each cell of said plurality of cells comprises an intersection of indications of a corresponding parcel delivery date and a corresponding parcel delivery time, and wherein at least one cell of said plurality of cells displays for user selection a calculated shipping rate, wherein said calculated shipping rate corresponds to a particular carrier delivering said particular parcel at or before the corresponding delivery time on the corresponding delivery date according to a particular service offered by the particular carrier..." as recited by independent Claims 26, 57, and 65.

In response to the above-outlined assertion, the Examiner's Answer replies that "... the FedEx and the UPS references disclose that for each service there is an associated time and day for the service." Examiner's Answer, p. 9, Response to Appellant's Argument Regarding Issue 2c.

However, for reasons similar to those given above with respect to Claims 1, 32, and 63, and as explained in some detail in the Appeal Brief, it is respectfully submitted that none of the FedEx, UPS or Kara references disclose displaying "... a plurality of cells, wherein each cell of said plurality of cells comprises an intersection of indications of a corresponding parcel delivery date and a corresponding parcel delivery time, and wherein at least one cell of said plurality of cells displays for user selection a calculated shipping rate, wherein said calculated shipping rate corresponds to a particular carrier delivering said particular parcel at or before the corresponding delivery time on the corresponding delivery date according to a particular service offered by the particular carrier..." as recited by independent Claims 26, 57, and 65. Rather, as explained in some detail in the Appeal Brief, it is respectfully submitted that the FedEx, UPS and Kara references only disclose a typical day relative to a typical shipping day for various services (e.g., Next Day, 2-Day, and the like), and typical destination-dependent delivery times (e.g., "... by 10:30 a.m. the next business day to thousands of U.S. cities (noon to most of the rest) ..." (FedEx, p. 1)). As explained in some detail in the Appeal Brief, it is respectfully submitted that none of the FedEx, UPS and Kara references describe a delivery time on a delivery date at or before which a particular service of a

carrier would deliver a particular parcel, which is claimed in one way or another by independent Claims 26, 57, and 65.

In response to the above-outlined position, the Examiner's Answer further replies that "... whereas Barnett alone does not disclose the simultaneous display of rates where delivery date is on one axis and delivery time is on[] another axis, the combination of Kara, UPS and FedEx, and Barnett discloses this feature." Examiner's Answer, p. 9, Response to Appellant's Argument Regarding Issue 2c.

However, for reasons similar to those given above with respect to Claims 1, 32, and 63, it is respectfully asserted that none of Kara, UPS, FedEx and Barnett, even when considered in combination, disclose, anticipate, teach or suggest an interactive prompt comprising a plurality of cells, at least one of which displays a calculated shipping rate at an intersection of indications of a corresponding parcel delivery date and a corresponding parcel delivery time.

Accordingly, for the reasons given above and for the reasons given and the authorities cited in the Appeal Brief, reversal is respectfully requested of the rejections of independent Claims 26, 57, and 65.

Issue 2d Reply Argument: Independent Claims 27, 58, and 66 Were Not Properly Rejected Under Section 103(a), Because, Contrary to the Requirements of MPEP §2143, None of the Cited References Disclose, Anticipate, Teach or Suggest Each Limitation of Each Claim, Because None of the References, Even When Considered in Combination, Disclose a Display of a Simultaneous Online Interactive Graphic Cross-Comparison of a Plurality of Shipping Rate That Are Each Displayed in Association With a Display of a Corresponding Delivery Date and a Corresponding Delivery Time

As compared to the requirements for an obviousness rejection under 35 U.S.C. Section 103(a), as those requirements are explained in MPEP §§706.02(j) and MPEP §2143, the Appeal Brief respectfully submitted that none of Kara, UPS, FedEx and Barnett, even when considered in combination, disclose, anticipate, teach or suggest "...prompt[ing] a first particular user of a plurality of users with a first service and carrier

selection user prompt to select one service of a plurality of services offered by one carrier or a plurality of carriers for shipping a particular parcel to be shipped by the first user, ... wherein said first service and carrier selection prompt comprises a display of a simultaneous online interactive graphic cross-comparison of a plurality of respective service-specific, carrier-specific shipping rates, wherein each respective service-specific, carrier-specific shipping rate corresponds to a particular respective service offered by a particular respective carrier for delivering the particular parcel to a particular delivery destination at or before a particular parcel delivery time on a particular parcel delivery date, and wherein each respective service-specific, carrier-specific shipping rate is displayed in association with a display of a corresponding delivery date and a corresponding delivery time..." as recited by independent Claims 27, 58, and 66.

In response to the above-outlined assertion, the Examiner's Answer replies that "... the FedEx and the UPS references disclose that for each service there is an associated time and day for the service." Examiner's Answer, p. 9, Response to Appellant's Argument Regarding Issue 2d.

However, for reasons similar to those given above with respect to Claims 1, 32 and 63, and as explained in some detail in the Appeal Brief, it is respectfully submitted that none of the FedEx, UPS or Kara references display a cross-comparison of shipping rates that are each "... displayed in association with a display of a corresponding delivery date and a corresponding delivery time..." as recited by independent Claims 27, 58, and 66. Rather, as explained in some detail in the Appeal Brief, it is respectfully submitted that the FedEx, UPS and Kara references only disclose a typical day relative to a shipping day for various services (e.g., Next Day, 2-Day, and the like).

Further, although Barnett, a calendaring system, discloses dates and times of calendared events, for the reasons given previously above, and for the reasons explained in more detail in the Appeal Brief, it is respectfully submitted that there is no disclosure in Barnett of displaying rates, and further that there is no disclosure in Barnett of displaying a cross-comparison of shipping rates, that each correspond to a particular respective service offered by a particular respective carrier delivering a "... particular parcel to a particular delivery destination at or before a particular parcel

delivery time on a particular parcel delivery date ..." as claimed in one way or another by independent Claims 27, 58, and 66.

Accordingly, for the reasons given above, and for the reasons given and the authorities cited in the Appeal Brief, reversal is respectfully requested of the rejections of independent Claims 27, 58, and 66.

Issue 2e Reply Argument: Independent Claims 28, 59, and 67 Were Not Properly Rejected Under Section 103(a), Because, Contrary to the Requirements of MPEP §2143, None of the Cited References Disclose, Anticipate, Teach or Suggest Each Limitation of Each Claim, Because None of the References, Even When Considered in Combination, Disclose a Simultaneous Online Interactive Graphic Cross-Comparison of a Plurality of Shipping Rates, Each of Which is Displayed in Association with a Display of a Corresponding Delivery Date and a Corresponding Delivery Time

As compared to the requirements for an obviousness rejection under 35 U.S.C. Section 103(a), as those requirements are explained in MPEP §§706.02(j) and MPEP §2143, the Appeal respectfully submitted that none of Kara, UPS, FedEx and Barnett, even when considered in combination, disclose, anticipate, teach or suggest "...collect[ing] user input, from one particular user of a plurality of users, of a selection by the particular user of a shipping rate, wherein said shipping rate corresponds to one service of a plurality of services offered by one carrier of a plurality of carriers for shipping a particular parcel, ... wherein said user input comprises an indication of a particular service-specific, carrier-specific shipping rate selected from a display of a simultaneous online interactive graphic cross-comparison of a plurality of respective service-specific, carrier-specific shipping rates, wherein each respective service-specific, carrier-specific shipping rate corresponds to a particular respective service offered by a particular respective carrier for delivering the particular parcel to a particular delivery destination by a particular parcel delivery time on a particular parcel delivery date, and wherein each respective service-specific, carrier-specific shipping

rate is displayed in association with a display of a corresponding delivery date and a corresponding delivery time..." as recited by independent Claims 28, 59, and 67.

In response to the above-outlined assertion, the Examiner's Answer replies that "... Kara discloses an indication of a shipping rate for a specific service of a specific carrier from an interactive display. Barnett discloses a simultaneous display, and even discloses the purchase of services through the calendar...." *Examiner's Answer*, p. 10, Response to Appellant's Argument Regarding Issue 2e.

However, for reasons similar to those given above with respect to Claims 1, 32 and 63, and as explained in some detail in the Appeal Brief, it is respectfully submitted that none of the *FedEx*, *UPS* or *Kara* references disclose displaying a "...a simultaneous online interactive graphic cross-comparison of a plurality of ... shipping rates, ... wherein each ... shipping rate is displayed in association with a display of a corresponding delivery date and a corresponding delivery time..." as claimed in one way or another by independent Claims 28, 59, and 67. Rather, as explained in some detail in the Appeal Brief, it is respectfully submitted that the *FedEx*, *UPS* and *Kara* references only disclose a typical day relative to a shipping day for various services (e.g., Next Day, 2-Day, and the like).

Further, although *Barnett*, a calendaring system, discloses dates and times of calendared events, for the reasons given previously above, and for the reasons explained in more detail in the Appeal Brief, it is respectfully submitted that there is no disclosure in *Barnett* of displaying rates, and further that there is no disclosure in *Barnett* of displaying a "...a simultaneous online interactive graphic cross-comparison of a plurality of ... shipping rates, ... wherein each ... shipping rate is displayed in association with a display of a corresponding delivery date and a corresponding delivery time..." as claimed in one way or another by independent Claims 28, 59, and 67.

Accordingly, for the reasons given above, and for the reasons given and the authorities cited in the Appeal Brief, reversal is respectfully requested of the rejections of independent Claims 28, 59, and 67.

Issue 2f Reply Argument: Independent Claims 29, 60, and 68 Were Not Properly Rejected Under Section 103(a), Because, Contrary to the Requirements of MPEP §2143, None of the Cited References Disclose, Anticipate, Teach or Suggest Each Limitation of Each Claim, Because None of the References, Even When Considered in Combination, Disclose a Detecting a Clicking of a Cell of an Online Interactive Display as a Selection of a Particular Service by a Particular Carrier For Shipping a Particular Parcel

As compared to the requirements for an obviousness rejection under 35 U.S.C. Section 103(a), as those requirements are explained in MPEP §§706.02(j) and MPEP §2143, the Appeal Brief respectfully submitted that none of Kara, UPS, FedEx and Barnett, even when considered in combination, disclose, anticipate, teach or suggest “...detect[ing] a clicking, by one particular user of a plurality of users, of a cell of an online interactive display as a selection by the particular user of a particular service of a plurality of services offered by a particular carrier of a plurality of carriers for shipping a particular parcel, wherein said online interactive display comprises a plurality of cells, and wherein the cell selected displays a shipping rate, wherein said displayed shipping rate corresponds to the particular service offered by the particular carrier ...” as recited by independent Claims 29, 60, and 68.

In response to the above-outlined assertion, the Examiner's Answer replies that “... Barnett discloses the calendaring system for display, and further discloses services can be purchased through calendaring system, there [sic] the use of a link, where the link must be clicked” Examiner's Answer, p. 10, Response to Appellant's Argument Regarding Issue 2f.

It is respectfully asserted that the disclosure by Barnett of purchase links as relied on by the Examiner's Answer is distinct from the above-recited claimed limitations of Claims 29, 60 and 68. It is respectfully submitted that, according to Barnett, “... a link may be provided for making a purchase associated with a particular event. For example, if the event is a concert, a link to an on-line ticketing service maybe provided, for purchasing tickets to the concert.” Barnett, col. 14, lines 13-17. It is respectfully asserted that a user clicking a link as disclosed in Barnett would result in transferring

the clicking user to an on-line ticketing service, such as, another webpage, at which the user would then need to purchase tickets to the particular event. Accordingly, it is respectfully asserted that Barnett's disclosure of a purchase link does not disclose a detection by Barnett of a clicking of a cell of a Barnett calendar as a selection of a particular service ... offered by a particular carrier ... for shipping a particular parcel as claimed by independent Claims 29, 60, and 68. Further, it is respectfully asserted that the disclosure by Barnett of purchase links as relied on by the Examiner's Answer does not disclose the limitations of Claims 29, 60 and 68 of a cell displaying a shipping rate.

Accordingly, for the reasons given above, and for the reasons given and the authorities cited in the Appeal Brief, reversal is respectfully requested of the rejections of independent Claims 29, 60 and 68.

Issue 2g Reply Argument: Independent Claims 30, 61, and 69 Were Not Properly Rejected Under Section 103(a), Because, Contrary to the Requirements of MPEP §2143, None of the Cited References Disclose, Anticipate, Teach or Suggest Each Limitation of Each Claim, Because None of the References, Even When Considered in Combination, Disclose a Detecting a Placement of a Cursor Over a Cell of an Online Interactive Display as a Selection of a Particular Service by a Particular Carrier For Shipping a Particular Parcel

As compared to the requirements for an obviousness rejection under 35 U.S.C. Section 103(a), as those requirements are explained in MPEP §§706.02(j) and MPEP §2143, the Appeal Brief respectfully submitted that none of Kara, UPS, FedEx and Barnett, even when considered in combination, disclose, anticipate, teach or suggest "...detect[ing] a placement of a cursor, by one particular user of a plurality of users, over a cell of an online interactive display as a selection by the particular user of a particular service of a plurality of services offered by a particular carrier of a plurality of carriers for shipping a particular parcel, wherein said online interactive display comprises a plurality of cells, and wherein the cell selected displays a shipping rate, wherein said displayed shipping rate corresponds to the particular service offered by the particular carrier..." as recited by independent Claims 30, 61, and 69.

In response to the above-outlined assertion, the Examiner's Answer replies that "... [a]s stated in the office action, the examiner considers Barnett to disclose the placement of the cursor over a cell, or an event" Examiner's Answer, p. 10, Response to Appellant's Argument Regarding Issue 2g.

For reasons similar to those given above with respect to Claims 1, 32 and 63, and as explained in some detail in the Appeal Brief, it is respectfully submitted that none of the references of record disclose, anticipate, teach or suggest a cell of an online interactive display displaying a shipping rate that corresponds to a particular service offered by a particular carrier for shipping a particular parcel as claimed by independent Claims 30, 61, and 69.

Further, it is respectfully asserted that the reasoning expressed in the Office Action referenced by the Examiner's Answer does not support rejection of independent Claims 30, 61, and 69. Specifically, the Office Action referenced by the Examiner's Answer states that "... Kara and Barnett disclose the use of the interactive display but fails to disclose when the cursor is placed on the cell it displays the details of the specific service." Final Office Action, Topic No. 8, p. 4. In order to compensate for the acknowledged absence in Kara and Barnett of any disclosure of detecting a placement of a cursor over a cell as a selection of a service for shipping a parcel as claimed in Claims 30, 61, and 69, the Final Office Action takes the position that "[i]t is old and well known in the art that when a selection or service that is available, when a cursor is placed over the selection a detailed popup window is displayed and once the service is clicked on it is started up." Final Office Action, Topic No. 8, p. 4. The Office Action referenced by the Examiner's Answer provided no citation to any specific reference disclosing the "old and well known in the art" position and did not cite to any evidence that such knowledge predates the priority date of the present application. Moreover, even assuming for the sake of argument that the Final Office Action's description that "[i]t is old and well known in the art ..." can be supported by prior art that predates the priority date of the present application, it is respectfully submitted that the position described discloses that only when a service is clicked on is it "started up," it does not teach or anticipate the claimed limitation that a placement of a cursor over a cell which

displays a shipping rate is detected as a selection of the service associated with the shipping rate.

Accordingly, for the reasons given above, and for the reasons given and the authorities cited in the Appeal Brief, reversal is respectfully requested of the rejections of independent Claims 30, 61, and 69.

Issue 2h Reply Argument: Independent Claims 31, 62, and 70 Were Not Properly Rejected Under Section 103(a), Because, Contrary to the Requirements of MPEP §2143, None of the Cited References Disclose, Anticipate, Teach or Suggest Each Limitation of Each Claim, Because None of the References, Even When Considered in Combination, Disclose a Detecting a Placement of a Cursor Over a Cell of an Online Interactive Display as a Selection of a Particular Service by a Particular Carrier For Shipping a Particular Parcel

As compared to the requirements for an obviousness rejection under 35 U.S.C. Section 103(a), as those requirements are explained in MPEP §§706.02(j) and MPEP §2143, the Appeal Brief respectfully submitted that none of Kara, UPS, FedEx and Barnett, even when considered in combination, disclose, anticipate, teach or suggest "...respond[ing] to a clicking, by one particular user of a plurality of users, of a cell of an online interactive display, by displaying an onscreen display of a shipping label for shipping a particular parcel with a particular carrier and a particular service, wherein said cell contains a shipping rate, wherein said shipping rate corresponds to a rate for the particular service and the particular carrier to deliver the particular parcel ..." as recited by independent Claims 31, 62, and 70.

In response to the above-outlined assertion, the Examiner's Answer replies that "... the displaying of rates [is] shown by Kara, and as stated previously, Barnett discloses the simultaneous display of events, and the examiner equates an event of Barnett with a carrier specific, service specific rate of Kara" Examiner's Answer, p. 11, Response to Appellant's Argument Regarding Issue 2h.

For reasons similar to those given above with respect to Claims 1, 32 and 63, and with respect to independent Claims 30, 61, and 69, and as explained in some detail

in the Appeal Brief, it is respectfully submitted that none of the references of record disclose, anticipate, teach or suggest a cell of an online interactive display displaying a shipping rate that corresponds to a particular service offered by a particular carrier for shipping a particular parcel as claimed by independent Claims 31, 62, and 70.

Further, it is respectfully asserted that there is no disclosure, teaching or suggestion of displaying an onscreen display of a shipping label for shipping a particular parcel with a particular carrier and a particular service in response to a clicking of a cell of an online interactive display of a rate for the service and the carrier to deliver the parcel as claimed by independent Claims 31, 62, and 70.

Accordingly, for the reasons given above, and for the reasons given and the authorities cited in the Appeal Brief, reversal is respectfully requested of the rejections of independent Claims 31, 62, and 70.

REPLY ARGUMENT CONCLUSION

For the foregoing reasons and authorities, and for the reasons given and the authorities cited in the Appeal Brief, it is respectfully submitted that none of *FedEx*, *UPS*, *Barnett* or *Kara*, whether considered alone or in combination with any other reference(s) of record, anticipate, disclose, teach or suggest all of the limitations of Claims 1-21, 26-52, and 57-70 of the present application. Therefore, it is respectfully submitted that: 1.) the obviousness rejection of Claims 1-21, 26-52, and 57-70 failed to comply with the requirements for an obviousness rejection under 35 U.S.C. Section 103(a), as explained in MPEP §§706.02(j) and MPEP §2143; 2.) Claims 1-21, 26-52, and 57-70 are non-obvious in view of *FedEx*, *UPS*, *Barnett* or *Kara*, whether considered alone or in combination with any other reference(s) of record; 3.) the invention disclosed and claimed in the present application is not fairly taught by any of the

references of record, taken either alone or in combination, and the application is therefore in condition for allowance.

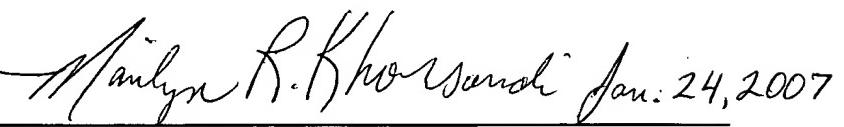
Accordingly, it is respectfully requested that the rejection of Claims 1-21, 26-52, and 57-70 of the present application be reversed.

Respectfully submitted,

KHORSANDI PATENT LAW GROUP, ALC

By _____

Marilyn R. Khorsandi
Reg. No. 45,744
626/796-2856



A handwritten signature in black ink, appearing to read "Marilyn R. Khorsandi". To the right of the signature, the date "Jan. 24, 2007" is written in a smaller, cursive hand.